

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
13915.74.1.4

In Re Application Of: **Paul L. Hickman**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/773,617	February 6, 2004	Glenn E. Richman	22913	3764	7761

Title: **EXERCISE AND HEALTH EQUIPMENT**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

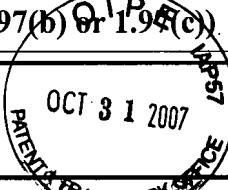
the fee set forth in 37 CFR 1.17(p).

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Title: EXERCISE AND HEALTH EQUIPMENT

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
 - Charge the amount of \$180.00
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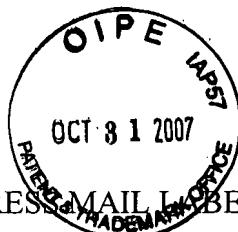
Signature

Signature

Dated: October 31, 2007.

Jonathan W. Richards, Reg. No. 29,843
WORKMAN NYDEGGER
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, UT 84111

CC:



EXPRESS MAIL LABEL NO.: EM 081617056 US

PATENT APPLICATION
Docket No.: 13915.74.1.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
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Paul L. Hickman)
)
Serial No.: 10/773,617) Art Unit
) 3764
Confirmation No.: 7761)
)
Filed: February 6, 2004)
)
For: EXERCISE AND HEALTH)
 EQUIPMENT

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record
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believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

As the Examiner is aware, this application is related to a number of co-pending, issued, and abandoned applications, including USSN 60/008,603, 08/766,309, 08/766,513 (USP 6,059,692), 09/273,591 (USP 6,193,631), 09/690,178 (USP 6,749,537), 09/690,701, 101045,619 (USP 6,921,351), 10/751,334, 10/773,617, 11/150,914 and 11/440,703. Of these, U.S. Patents 6,193,631 ("the '631 patent) and 6,749,537 ("the '537 patent) are involved in a lawsuit between assignee Cybergym Research LLP and ICON Health and Fitness. More particularly, the '631 and '537 patents are involved in the lawsuit *Cybergym Research LLC v. ICON Health and Fitness, Inc.*, United States District Court for the Eastern District of Texas, Case No. 2:05-cv-527, in which contentions of invalidity were asserted, based on a large number of documents. Applicants apologize for the size of this submission, which was necessitated by these circumstances. The Examiner is respectfully requested to consider these documents and to make them of record in the current application.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed non-US patent references or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. §1.98(a)(3).

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 31st day of October, 2007.

Respectfully submitted,


Jonathan W. Richards
Attorney for Applicant
Registration No. 29,843
Customer No. 022913

JWR:smh
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